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August 13, 2010

The Honorable Andrew L. Carter
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Britt v. Aries Financial, et. al.*, 09-Civ-2398 (RJD) (ALC))
Petersen v. Aries Financial, et. al., 06-Civ-6663 (RJD) (ALC)

Dear Judge Carter:

We represent the Plaintiff Herman Britt in the above matter, but write on behalf of counsel for plaintiff Marie Petersen as well.

Depositions

Since our last status letter dated June 28, 2010, the parties have completed the following depositions:

Larry Ramaekers
Edie Kahan
Frederick Powell
Waterview Abstract.

In the *Petersen* matter, the deposition of plaintiff Marie Petersen continued on July 23, 2010, and August 12, 2010. Yet, during the August 12, 2010 deposition session, Ms. Petersen suffered a serious medical problem and had to discontinue the deposition. Therefore, her deposition has not concluded.

Aries' counsel cancelled Ms. Britt's July 26, 2010 deposition date. Subsequent attempts to reschedule the deposition in August were fruitless due to scheduling conflicts on the part of all parties involved. At this time, Aries' counsel has not suggested a new date for its deposition.

Counsel for Ms. Petersen, after numerous diligent attempts, recently reached defendant Steve Hlavna against whom they have a default judgment. Counsel are negotiating with Mr. Hlavna, who is a long-

South Brooklyn Legal Services
105 Court Street, 3rd Floor Brooklyn, NY 11201
Phone: 718-237-5500 Fax: 718-875-8546 www.sbls.org
John C. Gray, Project Director

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distance truck driver, regarding a potential deposition date. Counsel anticipates he will make himself available for a deposition in September, 2010.

Document Production

In a joint letter dated July 16, 2010, counsel for *Petersen* and *Britt* requested the production of documents previously requested in discovery and subsequently requested at the depositions taken to that date. In addition, during his deposition, Mr. Ramaekers testified to Aries-related documents that he maintained in private files and we requested production of those documents. Per Mr. Ramaekers' request we served a subpoena requesting those same documents on July 30, 2010. At this time neither Aries nor Ramaekers has responded to these requests.

Counsel for *Petersen* and *Britt* also await documents requested during initial discovery and re-requested during the depositions and in second written requests. We have not received responses from: Doug Kahan, Fred Powell, Gary Cucuzza, Joseph Trentacosta, James Uston, Frank Carone of Berkshire Financial, and David Gottlieb.

Counsel for *Aries*, Doug Kahan and Al London have indicated they will be objecting to production of some requested documents and they anticipate providing a written explanation of those objection later today. In addition, they have indicated that some of the requested documents will be sent by overnight mail for Monday delivery.

Telephone Status Conference

As per this Court's order, the next telephone status conference in these cases is scheduled for 3:30 p.m. for the September 1, 2010. *Petersen* counsel is unable to participate at that time. We notified all the parties and suggested the alternate date of September 16, 2010 at 10:00 or 10:30 a.m. We received confirmation from Aries counsel, Powell counsel, Britt counsel and Doug Kahan that this time is agreeable to all.

Therefore, we respectfully ask the court to:

- Extend the discovery period in the *Petersen* and *Britt* cases until September 30, 2010;
- Reschedule the next *Petersen* and *Britt* status call until September 16, 2010 at 10:00 or 10:30 a.m. or another time the court finds acceptable; and
- Set a briefing schedule regarding *Aries* objections to plaintiffs' document requests.

Respectfully submitted,


Jennifer Light
Counsel for Herman Britt

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Cc: Fred Sosinsky via email
Doug Kahan via email